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Biden calls for financial restitution for victims of child pornography

Wilmington, DE – Attorney General Beau Biden today unveiled legislation designed to obtain justice for victims of child pornography. Senate Bill 158, drafted by the Delaware Department of Justice and introduced by Senators Karen Peterson and Bethany Hall-Long, extends financial liability to producers and possessors of child pornography and sets specific damages available to victims.

"Child pornographers are child predators," Attorney General Biden stated. "Over the past three years we have taken strong action to identify predators and hold them criminally accountable with tough new minimum mandatory jail terms. Now we're going to hold predators financially accountable. We know there are defendants who have financial resources and this legislation gives victims and their families the clear legal right and opportunity to recover financially from defendants. I hope the Legislature passes this quickly, as it is one more effort to support victims along their healing process and to deter would-be predators."

"Few things are more repugnant than exploiting children and using them in pornography," said Sen. Karen Peterson, D-Stanton, the bill's sponsor. "This bill won't cure the damage that using children in such a way causes, but it is an important weapon in our battle against child pornographers because it will hit the people who make and view child porn in the wallet and will reinforce our message that they aren't welcome in Delaware."

Specifically, Senate Bill 158:

- extends liability under Delaware civil law to those who knowingly possess, finance, or produce child pornographic images
- creates the presumption that victims are injured, sparing them and their families from the burden of proving specific damages in court
- entitles victims to damages of at least \$150,000
- extends the statute of limitations from two to three years from notification of the victim by law enforcement of their victimization, the conclusion of a criminal prosecution against the defendant, or the victim reaching the age of 18, whichever comes later
- permits the court to award attorney's fees and costs to the victim

"I am proud to have been one of the lead sponsors of this bill and to help Delaware's children and families who have been exploited by child pornography," said Sen. Bethany Hall-Long, D-Newark South, who co-sponsored the bill with Peterson. "While we can't undo the trauma these families have had to face, we can ensure that they are well served by our justice system, that those who create or circulate these images are held accountable, and that we send a strong message to all that in Delaware we work to protect our children in every way."

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